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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/761,878	01/21/2004	John Spanton	SPAN100CON	3168
24339	7590	01/12/2005	EXAMINER	
JOEL D. SKINNER, JR. SKINNER AND ASSOCIATES 212 COMMERCIAL ST. HUDSON, WI 54016			CONLEY, FREDRICK C	
			ART UNIT	PAPER NUMBER
			3673	

DATE MAILED: 01/12/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/761,878

Applicant(s)

SPANTON, JOHN

Examiner

FREDRICK C CONLEY

Art Unit

3673

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. ____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date ____. | 6) <input type="checkbox"/> Other: ____. |

Claim Objections

Claim 17 is objected to because of the following informalities: The Applicant recites "lowe profile". Appropriate correction is required.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-16 and 18-20 are rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Pat. No. 3,654,644 to Stevens.

Claim 1, Stevens discloses a device for acquiring and transporting an object, comprising:

a housing 1 having a low clearance portion;

a first conveyance assembly (19,21,20) movably connected to the housing for moving the housing with respect to an environmental surface;

a second conveyance assembly (10',1816) movably connected to the housing for moving the object with respect to the housing; and

a power assembly for moving the conveyance assemblies (col. 2 lines 35-43).

Claim 2, wherein the object is an injured human being (col. 3 lines 19-21).

Claims 3-4, wherein the device is configured as a stretcher/gurney. A gurney is defined as a litter having a frame that is used to transport the sick thus the stretcher taught by Stevens meets the Applicant's claimed limitation.

Claim 5, wherein the housing is a frame for supporting the first and second conveyance mechanisms and the power assembly.

Claim 6, wherein the frame comprises a pair of chassis/framework (32,33) inherently having peripheral sides and a plurality of spacers 29 connecting the chassis sides.

Claim 7, wherein the frame further comprises a belt 10' glide bed connected to the chassis sides.

Claim 8, wherein the housing further comprises a handle 35 for lifting the device.

Claim 9, wherein the first conveyance assembly comprises a lower drive roller 21 connected to the housing and to the power assembly, a lower end idler roller 20 connected to the housing, and a lower endless belt 19 movably coupled to the lower drive roller and the lower end idler roller.

Claim 10, wherein the first conveyance assembly further comprises at least one support idler roller 29 connected to the housing, disposed between the lower drive roller and the lower end idler roller and engaging the lower endless belt.

Claim 11, wherein the second conveyance assembly comprises an upper drive roller 18 connected to the housing and to the power assembly, an upper end idler roller 16 connected to the housing, and an upper endless belt 10' movably coupled to the upper drive roller and the upper end idler roller.

Claim 12, wherein the second conveyance assembly further comprises at least one tensioning idler roller 17 connected to the housing, disposed between the upper drive roller and the upper end idler roller and engaging the upper endless belt.

Claim 13, wherein the power assembly comprises a motor communicatively connected to the upper drive roller and to the lower drive roller (col. 2 lines 35-44).

Claim 14, further comprising a transmission assembly communicatively connected to the motor, the upper drive roller and the lower drive roller (col. 3 lines 37-45).

Claim 15, wherein the transmission assembly is selected from the group of transmission types consisting of planetary gears and belts, sprocketchain sets, and combinations thereof (col. 3 lines 37-45).

Claim 16, further comprising a remote control system communicatively connected to the motor driven power assembly (col. 2 lines 44).

Claim 18, Stevens discloses a method of acquiring and transporting an object, comprising the steps of:

moving a housing having a low clearance portion so that the low clearance portion moves toward and under the object (col. 3 lines 6-7); and moving the object relative to the housing (col. 3 lines 18-21).

Claim 19, wherein the object is an injured human being.

Claim 20, a method of acquiring and transporting an injured human being, comprising the steps of:

moving a housing having a low clearance portion so that the low clearance portion moves toward and under the object (col. 3 lines 6-7), the housing being moved by powering a lower endless belt 19 to move in a first rotational direction; and

simultaneously moving the object relative to the housing by powering an upper endless belt 10' to move in a second rotational direction which is opposite the first rotational direction (col. 3 lines 18-21).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim 17 is rejected under 35 U.S.C. 103(a) as being unpatentable over U.S.

Pat. No. 3,654,644 to Stevens.

Claim 17, Stevens discloses a low profile, powered stretcher for acquiring and transporting an injured human being, comprising;

a housing 1 having a low clearance portion, the housing including a pair of chassis (32,33) inherently defining peripheral sides and a plurality of spacers 29 connecting the chassis sides;

a first conveyance assembly movably connected to the housing for moving the housing with respect to an environmental surface, the first conveyance assembly including a lower drive roller 21 connected to the housing and to the power assembly, a lower end idler roller 20 connected to the housing, and a lower endless belt movably coupled to the lower drive roller and the lower end idler roller, the lower endless belt 19 moving in a first rotational direction;

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a second conveyance assembly movably connected to the housing for moving the object with respect to the housing, the second conveyance assembly including an upper drive roller 18 connected to the housing and to the power assembly, an upper end idler roller 16 connected to the housing, and an upper endless belt 10' movably coupled to the upper drive roller and the upper end idler roller, the upper endless belt moving in a second rotational direction which is opposite the first rotational direction; and,

a power assembly for moving the conveyance assemblies, the power assembly including at least one motor communicatively connected to the lower drive roller and to the upper drive roller, and a remote control system communicatively connected to the motor (col. 2 lines 35-44). Stevens discloses all of the Applicant's claimed limitations except for having a battery. It is well known for electrically driven remote devices to be battery powered. It would have been obvious for one having ordinary skill in the art at the time of the invention to employ a battery in order to power the electrically driven motor.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to FREDRICK C CONLEY whose telephone number is 703-308-7468. The examiner can normally be reached on M-TH.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, HEATHER SHACKELFORD can be reached on 703-308-2978. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

FC



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